IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 575/2004
JAI DEVI Vs. THE STATE OF RAJASTHAN

DATE: 09.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Manoj Sharma for the accused-petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.
Mr. Harendra Singh for the complainant.

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This criminal revision petition under Section 397 read with Section 401 Cr.P.C. is directed against the order dated 11.06.2004 passed by the Additional Sessions Judge (Fast Track), No.1. Tonk in Criminal Case No. 28/2004, by which charges under Sections 498-A, 306 IPC and Section 4 of the Prevention of Dowry Act have been framed.

I have heard rival submissions and have also gone through the record and perused the F.S.L. Report submitted by the learned counsel for the petitioner.

As per the FSL report, on chemical examination, portions of viscera (1-5) and blood sample (6) from three packets marked (1), (2) and (3) gave negative tests for metallic poisons, ethyl and methyl alcohol, cyanide alkaloids, barbiturates, tranquillizers and insecticides.

Since negative report has been given by the FSL, therefore, offence under Section 306 IPC is not made out against the accused-petitioner.

So far as charges under Section 498-A IPC and Section 4 of the Prevention of Dowry Act are concerned, as per the settlement in the name of child the petitioner deposited Rs. 7 lacs for maintenance and the grandfather of the child has given undertaking to bring up the grandson, which has not been opposed by the learned counsel appearing for the complainant, therefore, the offence under Section 498-A IPC and Section 4 of the Prevention of Dowry Act are also not made out.

It is made clear that the amount which has been deposited in the name of child shall remain in his name till he attains majority.

In view of the aforesaid circumstances, cognizance taken by the Court below vide order dated 11.06.2004 is herewith quashed and set-aside as no offence under Sections 498-A, 306 IPC and Section 4 of the Prevention of Dowry Act is made out.

The revision petition stands allowed accordingly. Record be sent back forthwith.

(K.S. RATHORE),J.

/KKC